

REMARKS

This is in response to the Official Action currently outstanding with respect to the above-identified application, which Official Action the Examiner has designated as being FINAL.

Claims 6, 9-11 and 18-21 were pending at the time of the issuance of the currently outstanding FINAL Official Action. By the foregoing Amendment, Applicants have amended Claims 6, 9, 10 and 11. In addition, Applicants have canceled Claims 18 – 21, without prejudice. No claims have been added or withdrawn. Accordingly, in the event that the Examiner grants the entry of the foregoing Amendment, Claims 6 and 9-11 as presented hereinabove will constitute the claims under active prosecution in the above-identified application.

The claims of the above-identified application as they will stand in the event that the Examiner grants the entry of the foregoing Amendment are reproduced above, including appropriate indications of the changes being made as well as appropriate status identifiers, as required by the Rules.

More particularly, in the currently outstanding FINAL Official Action, the Examiner has:

- 1) Not re-acknowledged Applicants' claim for foreign priority under 35 USC §119 (a)-(d) or (f), and has not reconfirmed the receipt by the United States Patent and Trademark Office of the required copies of the priority documents – **Applicants respectfully note that the Examiner has appropriately commented on these issues previously in this prosecution.**
- 2) Not reconfirmed her previous acceptance of the formal drawings filed with this application on 27 February 2006. - **Applicants respectfully note that the Examiner has appropriately commented on this issue previously in this prosecution.**

- 3) Not reconfirmed her consideration of Applicants' Information Disclosure Statement of 27 February 2006 by the return to the Applicants of a copy of the Form PTO/SB/08a/b that accompanied that Statement duly electronically marked so as to confirm the Examiner's consideration of the documentation referred to therein - **Applicants respectfully note that the Examiner has appropriately commented on this issue previously in this prosecution.**
- 4) Agreed with Applicants that the previous Official Action in the above-identified application should have been designated as being "non-final".
- 5) Rejected Claims 6, 9-11 and 18-21 under 35 USC 112, second and sixth paragraphs, on the basis that it is unclear whether or not those claims find adequate structural support in the specification as originally filed while agreeing that this position is a departure from her previous position in this prosecution.
- 6) Rejected Claims 6, 9-11 and 18-21 under 35 USC 103(a) as being unpatentable over Mutusaki (JP-2000-244753) in view of Huisman et al (US Published Patent Application No. 2005/0108599) further in view of Yoshiki (JP 11-275326) and still further in view of Chrisop et al (US Published Patent Application No. 2001/0025343).

Further comment regarding items 1-4 above is not deemed to be required in these Remarks.

With respect to the outstanding rejections based upon 35 USC 112, Applicants respectfully submit that the foregoing amendments are fully supported at paragraphs [0022], [0023], and [0038] – [0044] of the specification as originally filed. In addition, Applicants respectfully note that they now have altered the phraseology of Claims 6 and 9-11 so as to be different from the means-plus-function terminology adopted in the previous claims, and objected to by the Examiner as potentially being unclear, for purposes of clarity of expression and meaning.

Finally, as to item 6 above, the Examiner's rejections under 35 USC 103(a), Applicants have the following comments.

Applicants respectfully submit that the cited Mutsuake, Huisman et al, Yoshiki and Chrisop references do not teach, disclose or suggest the subject matter of Claim 6, namely, "detecting whether or not a processing unit which can be mounted to process image data as an optional unit is provided and an operation state thereof", and "deciding either that the instruction for concealment includes only associating the image data with authentication information in the case when it is detected that the processing unit is provided and active, or that the image data is encrypted and associated with authentication information in the case when it is detected that the processing unit is not provided or is not active".

More specifically, Applicants respectfully again submit that Claim 6 has the effect that an optional unit is provided such that when a processing unit is in an operational-state, the function is utilized for enhancing concealment, and also the other processing of concealment is performed apart from the processing of the processing unit, thereby decreasing the processing load on the processing unit. This effect can be obtained by the following features of the present invention:

"Deciding a concealment method is performed based on as to whether or not the processing unit is equipped as an optional part is provided and also based on the operation state thereof. In other words, in the case where the processing unit is the unit for encrypting image data when storing the image data, a method other than a method for encryption, for example, a method for setting authentication information, is performed."

Therefore, the invention of Claim 6 has the effect that, as a whole, only image data which is designated among the image data stored in the storage is concealed and stored, and the image data which is not designated is nullified such that both convenience and security of use can be obtained.

In addition, while the processing unit of Claim 6 of the present application is an optional unit, a backup unit is included in Huisman for protection of backup from the beginning. Thus, in the invention according to Claim 6 of the present application, when the processing unit is not provided or not in an operational-state, the controlling unit does not make the processing unit operate, but the controlling unit performs encryption and sets authentication information.

Also, Applicants respectfully note that the Examiner has recognized that the back up unit of the Huisman reference is an optional unit and that the system decides whether or not the back up unit is to be activated based upon a predetermined system state, namely, such as the function of failing. Further, it is noted that the Examiner has stated that: *Huisman et al teaches a redundancy arrangement wherein a function with redundant back up protection is failing (i.e., unavailable or invalid), backup units are activated when necessary (i.e., redundancy is only provided by the backup unit when the function is failing – when the unit is failing, it may choose to activate the backup unit) – see [0046], for example.*

Furthermore, it is described in paragraph [0046] of the Huisman reference that: “(t)he present invention may also be employed as part of a redundancy arrangement. Clock gating and/or signal gating may be designed into a part to determine in a self-diagnostic way whether a function with a redundant backup is failing, and to activate the backup unit when necessary.”

Accordingly, it will be seen that the invention of the Huisman reference relates to a test control device which is coupled to an electronic device that is partitioned into segments by using clock gating or signal gating. At least one of the segments is selectively invalidated so as to identify a segment which is a source of a failure. In order to determine the cause of the failure, a diagnosis method is applied to the identified segment. According to paragraph [0046], a backup unit is provided to the electronic device in advance so as to maintain the function even when a failure is caused to the electronic device, whether or not a redundant backup function is operated is determined, and the backup unit is activated when necessary. This provides the effect of shortening the time of determination.

Contrary to the foregoing, the “processing unit” of Claim 6, which is optional, is to perform encryption for example, as one of concealment means. When it is detected that the processing unit is provided and active, the controlling unit performs setting authentication information as concealment which is different from encryption. When is detected that the processing unit is not provided or is not active, the controlling unit performs encryption and authentication information as concealment.

Consequently, unlike the invention of the Huisman reference, the processing unit of present Claim 6 can be provided or not provided to the image processing apparatus. Further, while the subject state of the Huisman reference is “the state in which a backup function is not active”, the subject state of present Claim 6 is “the state in which the processing unit is provided or is not active”. Moreover, while the subject function of the Huisman reference is “the same function to be backed up”, the invention of present Claim 6 has two subject functions, namely, “encryption” and “setting authentication information” as concealment. Thus, the function to be performed by the controlling unit can be varied based on a state which is either “the processing unit is provided and is active” or “the processing unit is not provided or is not active”. This will provide an effect that, when the processing unit is provided and is active, the operation of the processing unit is effectively used and the functions are separately performed, thereby enhancing the concealment and reducing the processing load.

Further, if the invention of present Claim 6 relates to a backup system, “the processing unit” should be provided permanently. Even so, when the processing unit is not active, the controlling unit performs encryption. That is respectfully submitted to mean that the controlling unit performs backup and thus the processing unit is not relevant to the backup unit. Moreover, as described at paragraph [0030] of the present specification as originally filed, when a processing unit 10 having an encryption program is equipped to the image processing apparatus, it is possible that the ROM 15 is made to store only a program for setting authentication information. In this case, it does not mean that the controlling unit performs backup. That is, it is not possible to achieve the subject matter of present Claim 6 in which a backup system is not considered according to the invention of the Huisman reference.

Therefore, Applicants respectfully submit that there would be no motivation provided by the Huisman reference for inducing one skilled in the art as of the time that the present invention was made to achieve the subject matter covered by present Claim 6. Therefore, it would not be justifiably possible to combine the Mutsuaki reference with the Huisman reference as the Examiner has suggested. Indeed, even in the Houseman and Mutsuaki references were to be combined, the above-mentioned excellent effects of the present invention still would not be predicted, much less achieved. Hence, Applicants respectfully submit that the Examiner's currently outstanding rejection is based upon an improper hindsight analysis, and that there was no motivation either within the four corners of the cited art or within the expected knowledge of one of ordinary skill in the art as of the time that the present invention was made that would justify the conclusion that present Claim 6 should be considered to be obvious over the combination of the Mutsuaki, Huisman, Yoshiki and Chrisop references.

Accordingly, Applicants respectfully submit that Claim 6 as herein amended is not obvious over any combination of the art cited and relied upon by the Examiner, and further that Claims 9, 10 and 11 also are patentable within the terms of 35 USC 103(a) by virtue of their dependency relationship from present Claim 6. A decision so holding in response to this communication is respectfully requested

Finally, Applicant believes that additional fees beyond those submitted herewith are not required in connection with the consideration of this supplemental response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. 04-1105, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

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SIGNATURE OF PRACTITIONER

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